

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

|                            |   |                            |
|----------------------------|---|----------------------------|
| PERFORMANCE PRICING, INC., | ) |                            |
|                            | ) |                            |
| Plaintiff,                 | ) | CASE NO. 2:07-cv-432 (LED) |
|                            | ) |                            |
| v.                         | ) |                            |
|                            | ) | <b>JURY TRIAL DEMANDED</b> |
| GOOGLE INC., AOL LLC,      | ) |                            |
| MICROSOFT CORPORATION,     | ) |                            |
| YAHOO! INC., IAC SEARCH &  | ) |                            |
| MEDIA, INC., A9.COM, INC., | ) |                            |
|                            | ) |                            |
| Defendants.                | ) |                            |

**DEFENDANTS UNOPPOSED MOTION TO AMEND ORDER GRANTING  
DEFENDANTS' MOTION TO EXTEND DEADLINES  
FOR *DAUBERT* MOTIONS AND RESPONSES**

On November 5, 2009, Defendants Google Inc. and AOL LLC ("Defendants") filed an unopposed motion asking the Court to extend the deadline for filing *Daubert* motions and responses by four days to November 24, 2009 and December 22, 2009 respectively. The proposed order submitted by Defendants, and entered by the Court, however, contained an error. Instead of extending the deadline for both parties, the order states that "the deadline for *Defendants* to file their *Daubert* motions will be extended to November 24, 2009 and the deadline for *Plaintiff* to file its *Daubert* responses shall be extended to December 22, 2009." (emphasis added).

Defendants request that the order be corrected to clarify that the deadline for filing *Daubert* motions and responses is extended for both Defendants and Plaintiff Performance Pricing, Inc. ("Plaintiff").

Plaintiff is unopposed to this motion.

WHEREFORE, Defendants respectfully request that the Court amend the order granting Defendants' Motion to Extend Deadlines for *Daubert* Motions and Responses as outlined above.

Dated: November 6, 2009

Respectfully submitted,

By: /s/ David J. Beck

David J. Beck

Texas Bar No. 00000070

dbeck@brsfirm.com

BECK, REDDEN & SECREST, L.L.P.

One Houston Center

1221 McKinney St., Suite 4500

Houston, Texas 77010

(713) 951-3700

(713) 951-3720 (Fax)

**ATTORNEY FOR DEFENDANT  
GOOGLE INC.**

OF COUNSEL:

Michael E. Richardson

State Bar No. 24002838

mrichardson@brsfirm.com

BECK, REDDEN & SECREST, L.L.P.

One Houston Center

1221 McKinney St., Suite 4500

Houston, Texas 77010

Telephone: (713) 951-3700

Facsimile: (713) 951-3720

Charles K. Verhoeven (admitted *pro hac vice*)

charlesverhoeven@quinnemanuel.com

David A. Perlson (admitted *pro hac vice*)

davidperlson@quinnemanuel.com

Antonio R. Sistos (admitted *pro hac vice*)

antoniosistos@quinnemanuel.com

Emily C. O'Brien (admitted *pro hac vice*)

emilyobrien@quinnemanuel.com

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

50 California Street, 22nd Floor

San Francisco, California 94111

Telephone: (415) 875 6600

Facsimile: (415) 875 6700

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Michael E. Richardson

Michael E. Richardson

### **CERTIFICATE OF CONFERENCE**

Counsel for Defendants Google Inc. and AOL LLC has conferred with Counsel for Plaintiff Performance Pricing Inc. regarding the foregoing motion and Plaintiff is unopposed to same.

/s/ Michael E. Richardson

Michael E. Richardson